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DECEDENTS' ESTATES—LANDS—LIABILITY FOR COSTS OF ADMINISTRATION.—The lands of an intestate are held, in *Carr v. Hull* (Ohio), 58 L. R. A. 641, not to be subject to sale to pay the costs of administration alone, though subject to the payment of his debts and the year's allowance to the widow and minor children, in case the personalty is insufficient, and charges of administration incident to the sale of the land.

STREET RAILWAYS—CONTINUED RINGING OF GONG.—If one in charge of an electric car, seeing that a horse is frightened by the approach of the car, and that its driver is in danger, continues to sound the gong or ring the bell, and further frightens the horse and causes it to run away, the car company is held, in *Oates v. Metropolitan Street Ry. Co.* (Mo.), 58 L. R. A. 447, to be liable for the injuries thereby caused to the driver.

NUISANCES—ESTOPPEL—RENEWAL OF LEASE.—The renewal by a tenant of his lease after the creation by a third person of a nuisance by his method of conducting his business, injuriously affecting the right of occupancy and the tenant's private property, is held, in *Bly v. Edison Electric Illum. Co.* (N. Y.), 58 L. R. A. 500, not to preclude the tenant from maintaining an action to abate the nuisance and to recover the damages for his injuries.

EQUITY JURISDICTION—SUIT TO ENJOIN DIVORCE PROCEEDINGS IN ANOTHER STATE.—A husband and wife having their matrimonial domicile in the State, and the domicile of the wife being also there, it is held, in *Kempson v. Kempson* (N. J. Err. & App.), 58 L. R. A. 484, that the court of chancery, on a bill filed by the wife, has jurisdiction to enjoin the husband from prosecuting a suit for divorce in another State, the jurisdiction of which he had invoked on a false and fraudulent allegation of his residence in that State.

WATER RIGHTS—TENANTS IN COMMON—GRANT.—A sale of his interest by one tenant in common of a mill to the other is held, in *Cox v. Howell* (Tenn.), 58 L. R. A. 487, to carry the appurtenances necessary to its operation as they existed when the sale was made, and to prevent his subsequently withdrawing water from the stream, for manufacturing purposes on his own land, to the injury of the mill.

With this case is a note on how far grant of mill includes water rights.

CORPORATIONS—CAPITAL AND FRANCHISES—TAXATION.—For the purpose of ascertaining the value of the capital and franchises of a corporation for purposes of taxation, it is held, in *State Board of Equalization v. People ex rel. Goggin* (Ill.), 58 L. R. A. 513, that the market value of the capital stock and the fair cash value of the bonded indebtedness may be added, and the value of the tangible property deducted from the amount.

An extensive note to this case reviews the other authorities on taxation of capital stock of corporations in the United States.

HOMESTEAD—RIGHTS OF WIDOW AND CHILDREN.—Section 3635 of the Code of Virginia provides that the real estate set apart by a householder in his life-time

shall after his death he held by his widow and children exempt as before. Where the householder owed the same debts when he died that he owed when the homestead was claimed, the widow cannot be divested of her statutory privilege by the paying off of the debts by the heirs of the householder. Nor will such result attach when the land has been sold for taxes, but no claim as purchaser has been asserted by the State or city. If payment of the taxes be made, the full statutory homestead rights of the widow will be recognized and enforced. *Davis v. Davis* (Va.), 43 S. E. 358.

CONSTITUTIONAL LAW—PUBLIC SCHOOL TEACHERS—SALARIES—PENSIONS.—An act providing for the deduction of a percentage from the salaries of public school teachers to provide a pension fund for their benefit is held, in *Hubbard v. State ex rel. Ward* (Ohio), 58 L. R. A. 654, to be unconstitutional either for lack of uniformity, or as a taking of private property from one citizen for the benefit of another.

A rule of a board of education providing for a deduction of 1 per cent. from the salaries of all teachers to be paid into a fund for the purpose of providing annuities for teachers becoming incapacitated by reason of long service, is held, in *State ex rel. Jennison v. Rogers* (Minn.), 58 L. R. A. 663, to be unauthorized and void.

JUDGMENT—BAR TO SUBSEQUENT ACTION—SHERIFFS—FALSE IMPRISONMENT—WRONGFUL LEVY.—A satisfied judgment against the complaining witness, magistrate, and constable for false imprisonment under void proceedings is held in *Blackman v. Simpson* (Mich.), 58 L. R. A. 410, to bar a subsequent action against the sheriff in whose custody defendant was placed, although the first suit covered only the time until defendant reached the sheriff's custody, while the second one seeks damages for the period from that time until his release.

An unsatisfied judgment in replevin against a sheriff for wrongful seizure of property under execution is held, in *Woodworth v. Gorsline* (Colo.), 58 L. R. A. 417, not to be a bar to a subsequent action in trover to recover the value of the property from those who executed the indemnity bond.

With these cases is a note collating the authorities on effect of judgment against one joint tortfeasor upon liability of the other.

In *Peticolas v. City of Richmond*, 95 Va. 456, 3 Va. Law Register, 803, a judgment, whether satisfied or not, against one of several joint trespassers was held a bar to any action against the co-trespassers.

CONTRACTS—BREACH—ELECTION OF REMEDIES.—A suit in equity for specific performance of a contract cannot be sustained where the plaintiff has already prosecuted to judgment a common law action for damages, even though the damages ascertained by such judgment were nominal. *Slaughter v. La Compagnie Francaise Des Cables Telegraphiques* (C. C. A., 2d Cir.), 119 Fed. 588. Citing *Rogers v. Vosburgh*, 4 Johns. Ch. 84; *Livingston v. Kane*, 3 Johns. Ch. 221; *Connihan v. Thompson*, 111 Mass. 270.

Per Lacombe, Circuit Judge:

“Modern practice does not allow a party to bring an action at law, not for damages, but to establish some single issues in the controversy, such as validity of